

heritage of our citizens' ancestral homes. So, rather than "the melting pot of the world," this country is really more like a tapestry with yarns of different fabrics and colors, interwoven to bring strength to the total tapestry of our country and yet with its differing colors—vivid and strong, signifying the cultural and social heritage of our citizens' ancestral homes.

Since the earliest days of our Republic, Asian/Pacific families have contributed to the growth, prosperity, and stability of the United States. It is fitting and appropriate that this contribution be recognized.

Mr. Speaker, I wish to join with my very distinguished colleague, the gentleman from New York, Mr. FRANK HORTON, in thanking the 231 Members of the House who cosponsored this resolution and urge the adoption of the resolution. To my colleague, the gentleman from New York (Mr. HORTON), let me express my very deep gratitude for his strong help on this measure. I would also like to join him in recognizing the very capable assistance of Mrs. Jeanie F. Jew, chairperson of the National Coalition for an Asian/Pacific American Heritage Proclamation, who encouraged the enthusiastic support from national organizations, which we have received for this bill, and to Ruby G. Moy, chairperson of the Asian/Pacific Congressional Caucus, who guided our efforts.

● Mr. DERWINSKI. Mr. Speaker, I am happy to support this worthwhile legislation which focuses attention on an often forgotten minority—Asian/Pacific Americans. While we are a culturally pluralistic society, we often have failed to recognize the contributions and specific problems of Asian/Pacific Americans.

As a result of a dramatic change in our immigration patterns, significant numbers of Asian/Pacific Americans can be found in all of our major cities. While their assimilation into American society has not been pain free, it has been a mutually beneficial experience. Their presence and contributions have resulted in a stimulating cross-fertilization of cultures which makes itself evident in art, music, literature, poetry, education, science, and research.

On the west coast Chinese architects have designed residential and nonresidential structures for a biracial clientele. Americans of Japanese background have made similar contributions to our Nation's growth and development. Yasuo Kuniyoshi is represented in all the major museums and art collections in America. Sessue Hayakawa was one of the few big names in "silent movies" to make the successful transition to "talkies." Other Asian/Pacific American communities have produced doctors, lawyers, social workers, and businessmen.

The assimilation of Asian/Pacific Americans into our society deserves the special recognition provided for in this legislation. It is a positive step toward ethnic cohesiveness and understanding. House Joint Resolution 1007 deserves overwhelming support. ●

Mr. LEHMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROUSSELOT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. LEHMAN) that the House suspend the rules and pass the joint resolution, House Joint Resolution 1007, as amended.

The question was taken.

Mr. RUSSO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL PORT WEEK

Mr. LEHMAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 773) authorizing and requesting the President of the United States to issue a proclamation designating the 7 calendar days beginning September 17, 1978, as "National Port Week."

The Clerk read as follows:

H.J. Res. 773

Whereas United States coastal and inland ports make a direct and significant contribution to our national economic well-being; and

Whereas much of the history of the United States has been shaped by its ports and interconnecting inland waterways and greatly influenced the growth of various communities; and

Whereas ports, in serving United States waterborne commerce, generate significant employment and direct dollar income to the local and regional economies they serve, as well as have a major impact on employment and production in areas far distant from their location; and

Whereas United States ports provide a wide variety of services and activities essential to the smooth and efficient conduct of foreign trade and have a direct impact on our balance of payments; and

Whereas American ports are a vital asset in maintaining a strong posture in national security: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the seven-day period beginning September 17, 1978, as "National Port Week" and to invite the Governors of the several States, the chief official of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

The SPEAKER pro tempore. Is a second demanded?

Mr. ROUSSELOT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LEHMAN) and the gentleman from California (Mr. ROUSSELOT) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LEHMAN asked and was given

permission to revise and extend his remarks and to include extraneous material.)

Mr. LEHMAN. Mr. Speaker, this legislation has 222 cosponsors, and is without opposition to my knowledge.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROUSSELOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 773 authorizes and requests the President to proclaim the week beginning September 17, 1978, as "National Port Week." This resolution, with 222 cosponsors, was unanimously reported by the Committee on Post Office and Civil Service on June 21, 1978.

No cost or inflationary impact would result from the enactment of this resolution; on the contrary, we are recognizing the positive contribution made by our ports toward maintaining the vital transportation network of this great trading Nation.

In California, our numerous seaports—San Diego, Long Beach, Los Angeles, Oakland, Oxnard, Redwood City, Richmond, and San Francisco—combine with our inland ports at Sacramento and Stockton to serve both the defense of the Nation and the transportation needs of the busy commercial and industrial centers surrounding them.

I urge passage of this resolution in tribute to the past contributions and future potential of our national ports.

● Mr. ANDERSON of California. Mr. Speaker, I rise in support of this legislation which authorizes the President to proclaim the week of September 17 to 23 as "National Port Week."

I represent the ports of Los Angeles and Long Beach—two harbors that contribute much to the economic development of the surrounding communities.

Nationally, a recent study completed for the Maritime Administration—Department of Commerce—showed that the total impact of U.S. ports on the economy averaged about \$153 million per day during last year.

The study also found that the port industry was directly and indirectly responsible for: 1,046,800 jobs, or one job in the national economy for each 600 tons of foreign waterborne commerce handled through ports; personal income of \$19.2 billion; business income totaling \$7.4 billion; Federal taxes of \$10.4 billion; and State and local taxes amounting to \$4 billion.

Thus, our Nation's ports, in their role of transshipping cargo, contribute jobs, income, and tax revenues to their communities and the Nation. I am happy to cosponsor this resolution which honors them. ●

● Mr. JOHNSON of California. Mr. Speaker, I rise in strong support of the bill before the House of Representatives giving formal Federal recognition to the demonstration of National Port Week beginning September 17 of this year. The ports of this Nation have played a very important role in its history from its earliest days to the present. Over 98 percent of our foreign commerce leaves the United States through our ports.

This to me is just one small example of the very significant part that our ports play.

With coasts on three sides of our Nation, many of our major cities have a significant maritime industry. National Port Week would serve to call to the attention of all of us the essential role that the ports play. They provide employment for over 1 million Americans. They contribute over \$5 billion a year in customs revenue. They also make an important contribution to our international balance of payments.

Mr. Speaker, the driving force behind this special recognition for our ports is our esteemed colleague, the cochairman of the port caucus and chairman of our House Committee on Merchant Marine and Fisheries, JOHN MURPHY. I commend him for his efforts on behalf of this legislation and more specifically on behalf of our Nation's ports and maritime industry.

The congressional port caucus, which I have the honor of cochairing with JOHN, has overwhelmingly endorsed this legislation. The caucus now consists of over 130 Members of Congress and demonstrates to the Nation and to the Congress the wide recognition which our ports need and deserve.

I urge that the House of Representatives adopt this legislation authorizing and requesting the President of the United States to issue a proclamation designating National Port Week.

● Mr. MURPHY of New York. It is my pleasure to speak here today in support of the House joint resolution which authorizes the President to proclaim the week of September 17 to 23 as "National Port Week." The purpose of the resolution is to give our ocean and inland ports the attention they rightly deserve. Throughout this Nation's great history our ports have established efficient and economical transfers of cargo that have made us the world's greatest trading nation. Of this trade, 98 percent is comprised of waterborne imports and exports. Through this trade, our ports provide employment for well over 1 million Americans. They stimulate a direct dollar income to the local and regional communities around which they serve. Overall, our ports have pulled more than their fair share in contributing to our Nation's annual GNP.

In addition to the vital force that our ports have served in contributing to our national economic development, "National Port Week" will recognize the importance that our ports have played in serving as a focal point in our Nation's defense. In time of war or other national emergency, the ports, which represent a vital link in the national transportation system, would immediately put into effect a plan for Federal port control for efficient operation and utilization of port facilities, equipment, and services.

In setting aside a week where attention may be focused on our ports, all Americans may be proud of the important contributions that our four sea-coasts and inland waterways have made to the welfare and vitality of our American way of life.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. LEHMAN) that the House suspend the rules and pass the joint resolution (H.J. Res. 773).

The question was taken.

Mr. ROSTENKOWSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LEHMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous matter, on the three joint resolutions just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PUBLIC TELECOMMUNICATIONS FINANCING ACT OF 1978

Mr. VAN DEERLIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12605) to amend the Communications Act of 1934 to extend and improve the provisions of such act relating to long-term financing for the Corporation for Public Broadcasting and relating to certain grant programs for public telecommunications, and for other purposes, as amended.

The Clerk read as follows:

H.R. 12605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—CONSTRUCTION AND PLANNING OF FACILITIES

DECLARATION OF PURPOSE

SEC. 101. Section 390 of the Communications Act of 1934 is amended to read as follows:

"DECLARATION OF PURPOSE

"SEC. 390. The purpose of this subpart is to assist (through matching grants) in the planning and construction of public telecommunications facilities in order to achieve the following objectives: (1) extend delivery of public telecommunications services to as many citizens of the United States as possible by the most efficient and economical means, including the use of broadcast and nonbroadcast technologies; (2) increase public telecommunications services and facilities available to and owned by minorities and women; and (3) strengthen the capability of existing public television and radio stations to provide educational and cultural services to the public."

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. Section 391 of the Communications Act of 1934 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 391. There are authorized to be appropriated \$40,000,000 for each of the fiscal years 1979, 1980, and 1981, to be used by the Secretary of Commerce to assist in the planning and construction of public telecommunications facilities as provided in this subpart. Sums appropriated under this subpart for any fiscal year shall remain available until expended for payment of grants for projects for which applications approved by the Sec-

retary of Commerce pursuant to this subpart have been submitted within such fiscal year. Sums appropriated under this subpart may be used by the Secretary to cover the cost of administering the provisions of this subpart."

CONSTRUCTION AND PLANNING

SEC. 103. (a) Section 392 of the Communications Act of 1934 is amended to read as follows:

"GRANTS FOR CONSTRUCTION AND PLANNING

"SEC. 392. (a) For each project for the construction of public telecommunications facilities there shall be submitted to the Secretary of Commerce an application for a grant containing such information with respect to such project as the Secretary may require, including the total cost of such project, the amount of the grant requested for such project, and a five-year plan outlining the applicant's projected facilities requirements and the projected costs of such facilities and requirements. Each applicant shall also provide assurance satisfactory to the Secretary that—

"(1) the applicant is (A) an entity which is eligible to be licensed or is licensed by the Federal Communications Commission as a noncommercial educational broadcast station; (B) a system of public broadcast stations; (C) a nonprofit foundation, corporation, institution, or association organized primarily for educational or cultural purposes; or (D) a State or local government (or any agency thereof), or a political or special purpose subdivision of a State;

"(2) the operation of such public telecommunications facilities will be under the control of the applicant;

"(3) necessary funds to construct, operate, and maintain such public telecommunications facilities will be available when needed;

"(4) such public telecommunications facilities will be used only for noncommercial educational or cultural purposes;

"(5) the applicant has participated in comprehensive planning for such public telecommunications facilities in the area which the applicant proposes to serve, and such planning has included an evaluation of alternate technologies; and

"(6) the applicant will make the most efficient use of the grant.

"(b) Upon approving any application under this section with respect to any project for the construction of public telecommunications facilities, the Secretary of Commerce shall make a grant to the applicant in the amount determined by the Secretary, except that such amount shall not exceed 75 per centum of the amount determined by the Secretary to be the reasonable and necessary cost of such project.

"(c) The Secretary of Commerce may provide such funds as the Secretary deems necessary for the planning of any project for which construction funds may be obtained under this section. An applicant for a planning grant shall provide such information with respect to such project as the Secretary may require and shall provide assurances satisfactory to the Secretary that the applicant meets the eligibility requirements of subsection (a) to receive construction assistance.

"(d) Any studies conducted by or for any grant recipient under this section shall be provided to the Secretary of Commerce, if such studies are conducted through the use of funds received under this section.

"(e) The Secretary of Commerce shall establish such rules and regulations as may be necessary to carry out this subpart, including rules and regulations relating to the order of priority in approving applications for construction projects and relating to determining the amount of each grant for such projects.

"(f) In establishing criteria for grants pur-

suant to section 393 and in establishing procedures relating to the order of priority established in subsection (e) in approving applications for grants, the Secretary of Commerce shall give special consideration to applications which would increase minority and women's ownership of, and participation in, public telecommunications entities. The Secretary shall take affirmative steps to inform minorities and women of the availability of funds under this subpart, and the localities where new public telecommunications facilities are needed, and to provide such assistance and information as may be appropriate.

"(g) If, within ten years after completion of any project for construction of public telecommunications facilities with respect to which a grant has been made under this section—

"(1) the applicant or other owner of such facilities ceases to be an agency, institution, foundation, corporation, or association described in subsection (a)(1); or

"(2) such facilities cease to be used only for noncommercial public telecommunications purposes (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of such facilities the amount bearing the same ratio to the value of such facilities at the time the applicant ceases to be such an entity or at the time of such determination (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facilities are situated), as the amount of the Federal participation bore to the cost of construction of such facilities.

"(h) recipient of assistance under this subpart shall keep such records as may be reasonably necessary to enable the Secretary of Commerce to carry out the functions of the Secretary under this subpart, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

"(i) The Secretary of Commerce and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient of assistance under this subpart that are pertinent to assistance received under this subpart."

(b) The provisions of section 392(g) of the Communications Act of 1934, as added by subsection (a), shall apply to any grant made under section 392 of such Act before, on, or after the date of the enactment of this Act. Any authority and responsibilities of the Secretary of Health, Education, and Welfare regarding the administration of such grants are hereby transferred to the Secretary of Commerce.

CRITERIA FOR APPROVAL AND EXPENDITURES BY SECRETARY OF COMMERCE

SEC. 104. Section 393 of the Communications Act of 1934 is amended to read as follows:

"CRITERIA FOR APPROVAL AND EXPENDITURES BY SECRETARY OF COMMERCE

"Sec. 393. (a) The Secretary of Commerce, in consultation with the Corporation for Public Broadcasting, noncommercial telecommunications entities, and as appropriate with others, shall establish criteria for making construction and planning grants. Such criteria shall be consistent with the ob-

jectives and provisions set forth in this subpart, and shall be made available to interested parties upon request.

"(b) The Secretary of Commerce shall base determinations of whether to approve applications for grants under this subpart, and the amount of such grants, on criteria developed pursuant to subsection (a) and designed to achieve—

"(1) the provision of new telecommunications facilities to extend service to areas presently unserved by public broadcasting;

"(2) the expansion of the service areas of existing public telecommunications entities;

"(3) the development of public telecommunications facilities owned by and available to minorities and women; and

"(4) the improvement of the capabilities of existing public broadcast stations to provide educational and cultural services.

"(c) Of the funds appropriated pursuant to section 391 for any fiscal year, not less than 75 per centum shall be available for the creation of new noncommercial telecommunications entities and for the expansion of the service areas of existing noncommercial telecommunications entities, and preoperational expenses associated with such creation and expansion. In choosing among applicants for grants, the Secretary shall compare the advantages of alternate technologies on the basis of costs and benefits.

"(d) Of the funds appropriated pursuant to section 391 for any fiscal year, not less than 25 per centum shall be available for the expansion and development of noncommercial radio broadcast station facilities."

LONG-RANGE PLANNING FOR FACILITIES

SEC. 105. Section 394 of the Communications Act of 1934 is amended to read as follows:

"LONG-RANGE PLANNING FOR FACILITIES

"Sec. 394. (a) The Secretary of Commerce, in consultation with appropriate parties, shall develop a long-range plan to accomplish the objectives set forth in section 390. Such plan shall include a detailed five-year projection of the broadcast and nonbroadcast public telecommunications facilities required to meet such objectives, and the expenditures necessary to provide those facilities.

"(b) The plan required in subsection (a) shall be updated annually, and a summary of the activities of the Secretary of Commerce, in implementing the plan, shall be submitted concurrently to the President and the Congress."

MISCELLANEOUS PROVISIONS

SEC. 106. (a) The heading for part IV of title III of the Communications Act of 1934 is amended to read as follows:

"PART IV—ASSISTANCE FOR PUBLIC TELECOMMUNICATIONS FACILITIES; TELECOMMUNICATIONS DEMONSTRATIONS; CORPORATION FOR PUBLIC BROADCASTING"

(b) The heading for subpart A of part IV of title III of the Communications Act of 1934 is amended to read as follows:

"Subpart A—Assistance for Public Telecommunications Facilities"

(c) The position of Deputy Assistant Secretary of Commerce for Communications and Information, established in Department of Commerce Organization Order Numbered 10-10 (effective March 26, 1978), shall be compensated at the rate of pay in effect from time to time for level V of the Executive Schedule under section 5316 of title 5, United States Code.

TITLE II—TELECOMMUNICATIONS DEMONSTRATIONS

ASSISTANCE FOR DEMONSTRATION PROJECTS

SEC. 201. Part IV of title III of the Communications Act of 1934 is amended by striking out section 395, by redesignating sub-

part B and subpart C as subpart C and subpart D, respectively, and by inserting after subpart A the following new subpart:

"Subpart B—Telecommunications Demonstrations

"ASSISTANCE FOR DEMONSTRATION PROJECTS

"Sec. 395. (a) It is the purpose of this subpart to promote the development of nonbroadcast telecommunications facilities and services for the transmission, distribution, and delivery of health, education, and public or social service information. The Secretary is authorized, upon receipt of an application in such form and containing such information as he may by regulation require, to make grants to, and enter into contracts with, public and private nonprofit agencies, organizations, and institutions for the purpose of carrying out telecommunications demonstrations.

"(b) The Secretary may approve an application submitted under subsection (a) if he determines—

"(1) that the project for which application is made will demonstrate innovative methods or techniques of utilizing nonbroadcast telecommunications equipment or facilities to satisfy the purpose of this subpart;

"(2) that demonstrations and related activities assisted under this subpart will remain under the administration and control of the applicant;

"(3) that the applicant has the managerial and technical capability to carry out the project for which the application is made; and

"(4) that the facilities and equipment acquired or developed pursuant to the application will be used substantially for the transmission, distribution, and delivery of health, education, or public or social service information.

"(c) Upon approving any application under this subpart with respect to any project, the Secretary shall make a grant to or enter into a contract with the applicant in an amount determined by the Secretary not to exceed the reasonable and necessary cost of such project. The Secretary shall pay such amount from the sums available therefor, in advance or by way of reimbursement, and in such installments consistent with established practice, as he may determine.

"(d) Funds made available pursuant to this subpart shall not be available for the construction, remodeling, or repair of structures to house the facilities or equipment acquired or developed with such funds, except that such funds may be used for minor remodeling which is necessary for and incidental to the installation of such facilities or equipment.

"(e) For purposes of this section, the term 'nonbroadcast telecommunications facilities' includes, but is not limited to, cable television systems, communications satellite systems and related terminal equipment, and other modes of transmitting, emitting, or receiving images and sounds or intelligence by means of wire, radio, optical, electromagnetic, or other means.

"(f) The funding of any demonstration pursuant to this subpart shall continue for not more than three years from the date of the original grant or contract.

"(g) The Secretary shall require that the recipient of a grant or contract under this subpart submit a summary and evaluation of the results of the demonstration at least annually for each year in which funds are received pursuant to this section.

"(h) (1) Each recipient of assistance under this subpart shall keep such records as may be reasonably necessary to enable the Secretary of Health, Education, and Welfare, to carry out the Secretary's functions under this subpart, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance,

the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purposes of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this subpart.

"(1) The Secretary is authorized to make such rules and regulations as may be necessary to carry out this subpart, including regulations relating to the order of priority in approving applications for projects under this subpart or to determining the amounts of grants for such projects.

"(j) The Federal Communications Commission is authorized to provide such assistance in carrying out the provisions of this subpart as may be requested by the Secretary. The Secretary shall provide for close coordination with the Federal Communications Commission in the administration of his functions under this subpart which are of interest to or affect the functions of the Commission. The Secretary shall provide for close coordination with the Corporation for Public Broadcasting in the administration of his functions under this subpart which are of interest to or affect the functions of the Corporation.

"(k) There are authorized to be appropriated \$1,000,000 for the fiscal year ending September 30, 1979, to be used by the Secretary of Health, Education, and Welfare to carry out the provisions of this subpart. Sums appropriated under this subsection for any fiscal year shall remain available for payment of grants or contracts for projects for which applications approved under this subpart have been submitted within one year after the last day of such fiscal year."

TITLE III—CORPORATION FOR PUBLIC BROADCASTING

DECLARATION OF POLICY

SEC. 301. Section 396(a) of the Communications Act of 1934 is amended to read as follows:

"SEC. 396. (a) The Congress hereby finds and declares—

"(1) that it is in the public interest to encourage the growth and development of public radio and television broadcasting, including the use of such media for instructional, educational, and cultural purposes;

"(2) that expansion and development of public telecommunications and diversity of its programming depend on freedom, imagination, and initiative on both local and national levels;

"(3) that the encouragement and support of public broadcasting, while matters of importance for private and local development, are also of appropriate and important concern to the Federal Government;

"(4) that it furthers the general welfare to encourage public broadcast programming which will be responsive to the interests of people both in particular localities and throughout the United States, and which will constitute an expression of diversity and excellence;

"(5) that it is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make public broadcasting available to all the citizens of the United States;

"(6) that it is in the public interest to encourage the growth and development of nonbroadcast telecommunications technologies for the transmission of noncommercial educational and cultural programs and services; and

"(7) that a private corporation should be created to facilitate the development of public telecommunications and to afford maximum protection from extraneous interference and control."

CHAIRMAN OF THE BOARD

SEC. 302. Section 396(d)(1) of the Communications Act of 1934 is amended by striking out "President shall designate one of the members first appointed to the Board: thereafter the"

COMPENSATION OF OFFICERS AND EMPLOYEES

SEC. 303. Section 396(e)(1) of the Communications Act of 1934 is amended by inserting after the first sentence the following new sentence: "No officer or employee of the Corporation may be compensated by the Corporation at an annual rate of pay which exceeds the rate of pay in effect from time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code."

PURPOSES AND ACTIVITIES OF CORPORATION

SEC. 304. Section 396(g) of the Communications Act of 1934 is amended to read as follows:

"Purposes and Activities of Corporation

"(g) (1) In order to achieve the objectives and to carry out the purposes of this subpart, as set out in subsection (a) of this section, the Corporation may—

"(A) facilitate the full development of public telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be made available to public television or radio broadcast stations and noncommercial telecommunications entities, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature;

"(B) assist in the establishment and development of one or more interconnection systems to be used for the distribution of public television or radio programs so that all public television or radio broadcast stations and noncommercial telecommunications entities may disseminate the programs at times chosen by the stations or entities;

"(C) assist in the establishment and development of one or more systems of public broadcast stations and noncommercial telecommunications entities throughout the United States; and

"(D) carry out its purposes and functions and engage in its activities in ways that will most effectively assure the maximum freedom of the public television or radio broadcast systems and local stations and noncommercial telecommunications entities from interference with, or control of, programs content or other activities.

"(2) In order to carry out the purposes set forth in subsection (a) of this section, the Corporation may—

"(A) obtain grants from and make contracts with individuals and with private, State, and Federal agencies, organizations, and institutions;

"(B) contract with or make grants to national, regional, and other systems of public broadcast stations, public broadcast stations, noncommercial telecommunications entities, and independent producers and production entities for the production or acquisition of public television or radio programs for national or regional noncommercial distribution, except that (1) to the maximum extent possible, proposals for the provision of assistance by the Corporation in the production or acquisition of programs or series of programs shall be evaluated on the basis of comparative merit by panels of outside experts, representing diverse interests and perspectives, appointed by the Corporation; and (11) nothing in this subparagraph shall be construed to prohibit the exercise by the Corporation of its prudent business judgment with respect to any contract or grant

to assist in the production or acquisition of any program or series of programs recommended by any such panel;

"(C) make payments to existing and new public broadcast stations and noncommercial telecommunications entities to aid in financing noncommercial television and radio programming costs of such stations and entities, particularly innovative approaches thereto, and other costs of operation of such stations and entities;

"(D) establish and maintain a library and archives of public television or radio programs and related materials and develop public awareness of, and disseminate information about, public television or radio services by various means, including the publication of a journal;

"(E) arrange, by grant to or contract with appropriate public or private agencies, organizations, or institutions, for interconnection facilities suitable for distribution and transmission of educational and cultural television or radio programs and services to public broadcast stations and noncommercial telecommunications entities;

"(F) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out the purposes of this subpart;

"(G) conduct (directly or through grants or contracts) research, demonstrations, training in matters related to public television or radio broadcasting and the use of nonbroadcast communications technologies for the dissemination of noncommercial educational and cultural television or radio programs;

"(H) make grants or contracts for the use of nonbroadcast telecommunications technologies for the dissemination of noncommercial television or radio programs, except that any such contracts entered into shall be effective only to the extent or in such amounts as are provided in advance in appropriate Acts; and

"(I) take such other actions as may be necessary to accomplish the purposes set forth in subsection (a) of this section.

"(3) To carry out the foregoing purposes and engage in the foregoing activities, and consistent with the provisions of this subpart, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, except that the Corporation is prohibited from—

"(A) owning or operating any television or radio broadcast station, system, or network, community antenna television system, interconnection system or facility, program production facility, or any public telecommunications entity, system, or network; and

"(B) producing, acquiring, scheduling, or distributing programs.

"(4) All meetings of the Board of Directors of the Corporation shall be open to the public under such terms, conditions, and exceptions as are set forth in subsection (k) (4) of this section.

"(5) (A) The Corporation, in consultation with public broadcast stations, shall undertake a study to determine the manner in which the personal services of volunteers should be included in determining the level of non-Federal financial support pursuant to subsection (k) (2) (A). The study shall include an examination of any fiscal, administrative, or other factors which should be taken into account in determining the manner in which such services should be so included.

"(B) The Corporation shall submit a report to the Congress containing the results of such study no later than 120 days after the effective date of this paragraph.

"(6) The Corporation, in consultation with interested parties, shall create a five-year plan for the development of public television and radio programs and services. Such plan shall be updated annually by the Corporation."

INTERCONNECTION SERVICE

SEC. 305. Section 396(h) of the Communications Act of 1934 is amended to read as follows:

"Interconnection Service

"(h) (1) Nothing in this Act, or in any other provision of law, shall be construed to prevent United States communications common carriers from rendering free or reduced rate communications interconnection services for public television or radio services, subject to such rules and regulations as the Federal Communications Commission may prescribe.

"(2) Public telecommunications entities shall have priority for the use of interconnection systems for which funds authorized in this part are expended. Capacity remaining after such priority use shall be made available to other persons for the transmission of noncommercial educational and cultural programs, and information relating to such programs to public telecommunications entities. The Corporation, in consultation with the persons responsible for managing the interconnection systems, shall establish reasonable terms and conditions governing the use of the interconnection systems by persons other than public telecommunications entities, except that (A) no such person shall be denied access whenever sufficient capacity is available; and (B) any charge for such use shall not exceed any cost which is directly attributable to transmitting the material."

ANNUAL REPORT TO CONGRESS

SEC. 306. Section 306(1) of the Communications Act of 1934 is amended to read as follows:

"Report to Congress

"(1) (1) The Corporation shall submit an annual report for the preceding fiscal year ending September 30 to the President for transmittal to the Congress on or before the 31st day of December of each year. The report shall include—

"(A) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this subpart and such recommendations as the Corporation deems appropriate;

"(B) a comprehensive and detailed inventory of funds distributed by Federal agencies to public broadcasting and noncommercial telecommunications entities during the preceding fiscal year; and

"(C) the summary of the annual report provided to the Secretary of Health, Education, and Welfare pursuant to section 398(b) (4).

"(2) The officers and directors of the Corporation shall be available to testify before appropriate committees of the Congress with respect to such report, the report of any audit made by the Comptroller General pursuant to section 396(1), or any other matter which such committees may determine."

FINANCING; OPEN MEETINGS AND FINANCIAL RECORDS

SEC. 307. Section 396(k) of the Communications Act of 1934 is amended to read as follows:

"Financing; Open Meetings and Financial Records

"(k) (1) (A) There is hereby established in the Treasury a fund which shall be known as the Public Broadcasting Fund (hereinafter in this subsection referred to as the 'Fund'), to be administered by the Secretary of the Treasury.

"(B) There is authorized to be appropriated to the Fund, for each of the fiscal years 1978, 1979, and 1980, an amount equal to 40 per centum of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year, except that the amount so appropriated shall not exceed \$121,000,000 for fiscal year

1978, \$140,000,000 for fiscal year 1979, and \$160,000,000 for fiscal year 1980.

"(C) There is authorized to be appropriated to the Fund, for each of the fiscal years 1981, 1982, and 1983, an amount equal to 50 per centum of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year, except that the amount so appropriated shall not exceed \$180,000,000 for fiscal year 1981, \$200,000,000 for fiscal year 1982, and \$220,000,000 for fiscal year 1983.

"(D) Funds appropriated under this subsection shall remain available until expended.

"(2) (A) The funds authorized to be appropriated by this subsection shall be used by the Corporation, in a prudent and financially responsible manner, solely for its grants, contracts, and administrative costs, except that the Corporation may not use any funds appropriated under this subpart for purposes of conducting any reception, or providing any other entertainment, for any officer or employee of the Federal Government or any State or local government. The Corporation shall determine the amount of non-Federal financial support received by public broadcasting entities during each of the fiscal years referred to in paragraph (1) for the purpose of determining the amount of each authorization, and shall certify such amount to the Secretary of the Treasury, except that the Corporation may include in its certification non-Federal financial support received by a public broadcasting entity during its most recent fiscal year ending before September 30 of the year for which certification is made. Upon receipt of such certification, the Secretary of the Treasury shall make available to the Corporation, from such funds as may be appropriated to the Fund, the amount authorized for each of the fiscal years pursuant to the provisions of this subsection.

"(B) Funds appropriated and made available under this subsection shall be disbursed by the Secretary of the Treasury on a quarterly basis, in such amounts as the Corporation certifies will be necessary to meet its financial obligations in the succeeding quarter.

"(3) (A) The Corporation shall reserve for distribution among the licensees and permittees of public television and radio stations an amount equal to (i) not less than 40 per centum of the funds disbursed by the Corporation from the Fund under this section in each fiscal year in which the amount disbursed is \$88,000,000 or more, but less than \$121,000,000; (ii) not less than 45 per centum of such funds in each fiscal year in which the amount disbursed is \$121,000,000 or more, but less than \$160,000,000; and (iii) not less than 50 per centum of such funds in each fiscal year in which the amount disbursed is \$160,000,000 or more.

"(B) (1) The Corporation shall establish an annual budget according to which it shall make grants and contracts for production of public television or radio programs by independent producers and production entities and public telecommunications entities, for acquisition of such programs by public telecommunications entities, for interconnection facilities and operations, for distribution of funds among noncommercial telecommunications entities, for provision of assistance to public telecommunications entities to improve management and train personnel, for engineering and program-related research, and for the enhancement of instructional and educational television and radio services. A significant portion of funds available under the budget established by the Corporation under this subparagraph shall be used for funding the production of television and radio programs. Of such portion, a substantial amount shall be reserved for distribution to independent producers and

production entities for the production of programs.

"(ii) All funds contained in such budget shall be distributed to entities outside the Corporation and shall not be used for the general administrative costs of the Corporation, the salaries or related expenses of Corporation personnel and members of the Board, or for expenses of consultants and advisers to the Corporation. During each of the fiscal years 1981, 1982, and 1983, such budget shall consist of not less than 95 per centum of the funds made available to the Corporation pursuant to paragraph (1) (C) of this subsection.

"(iii) In determining the amount of funds which shall be made available for radio programming and operations under this subparagraph, the Corporation shall take into account the increased financial needs relating to radio programming and operations resulting from the expansion and development of non-commercial radio broadcast station facilities through the use of funds made available pursuant to section 393(d).

"(C) In fiscal year 1981, the Corporation may expend an amount equal to not more than 5 per centum of the funds made available during such fiscal year pursuant to paragraph (1) (C) of this subsection for those activities authorized under subsection (g) (2) which are not among those grant activities described in subparagraph (B).

"(D) In fiscal years 1982 and 1983, the amount which the Corporation may expend for activities authorized under subsection (g) (2) which are not among those grant activities described in subparagraph (B) shall be 105 per centum of the amount derived for the preceding fiscal year.

"(4) Funds may not be distributed pursuant to this subsection to the Public Broadcasting Service or National Public Radio (or any successor organization), or to the licensee or permittee of any public broadcast station, unless the governing body of any such organization, any committee of such governing body, or any advisory body of any such organization, holds open meetings preceded by reasonable notice to the public. All persons shall be permitted to attend any meeting of the board, or of any such committee or body, and no member of the public shall be required, as a condition to attendance at any such meeting, to register his or her name or to provide any other information. Nothing contained in this paragraph shall be construed to prevent any such board, committee, or body from holding closed sessions to consider personnel matters, pending or proposed litigation, labor negotiations, contract negotiations, the development of proposed or pending competitive proposals for grants or contracts, trade secrets, or commercial or financial information obtained from a person on a privileged or confidential basis. If any such meeting is closed pursuant to the provisions of this paragraph, the organization involved shall make available to the public a written statement containing—

"(A) an explanation of the reasons for closing the meeting, including a general description of the subject matter of the meeting; and

"(B) a list of the individuals who attended the meeting, including an identification of any organization represented by any such individual.

"(5) Funds may not be distributed pursuant to this subsection to the licensee or permittee of any public broadcast station that does not maintain for public examination copies of the annual financial and audit reports submitted to the Corporation pursuant to subsection (1) (3) (B).

"(6) (A) The Corporation, in consultation with public television and radio licensees, shall establish and review annually the percentage of funds reserved pursuant to para-

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graph (3) (A), and the criteria and conditions regarding the division and distribution of such funds among public television and radio stations.

"(B) The funds reserved for public broadcast stations pursuant to paragraph (3) (A) shall be divided into two portions, one to be distributed among radio stations and one to be distributed among television stations. The Corporation shall make a basic grant from the portion reserved for television stations to each licensee and permittee of a public television station that is on the air. The balance of the portion reserved for television stations and the total portion reserved for radio stations shall be distributed to licensees and permittees of such stations in accordance with eligibility criteria that promote the public interest in public broadcasting, and on the basis of criteria designed to—

"(i) provide for the financial needs and requirements of stations in relation to the communities and audiences such stations undertake to serve;

"(ii) maintain existing, and stimulate new, sources of non-Federal financial support for stations by providing incentives for increases in such support;

"(iii) assure that each eligible licensee and permittee of a public radio station receives a basic grant;

"(iv) encourage innovative approaches, both technical and programming, to reaching new audiences;

"(v) encourage responsiveness to the community served by each station;

"(vi) encourage cost efficiencies, particularly in increasing programming expenditures in relation to administrative costs;

"(vii) encourage programs to train women and minorities and to increase their participation in public broadcasting; and

"(viii) encourage the use of volunteers by stations.

"(7) No distribution of funds pursuant to this subsection shall exceed, in any fiscal year, 50 per centum of a licensee's or permittee's total non-Federal financial support during the fiscal year second preceding the fiscal year in which such distribution is made.

"(8) The funds distributed to each public television and public radio station pursuant to paragraph (3) (A) may be used at the discretion of the recipient for purposes relating to the provision of public television and radio programming, including, but not limited to—

"(A) producing, acquiring, broadcasting, or otherwise disseminating public television or radio programs;

"(B) procuring national or regional programs distribution services that make public television or radio programs available for broadcast or other dissemination at times chosen by stations;

"(C) acquiring, replacing, or maintaining facilities, and real property used with facilities, for the production, broadcast, or other dissemination of public television and radio programs; and

"(D) developing and using nonbroadcast communications technologies for public television or radio programming purposes.

"(9) (A) Any public broadcast station which desires to receive funds under this subpart shall establish a community advisory board. The membership of the board shall, to the maximum extent feasible, be composed of individuals who are representative of the communities served by the station.

"(B) The board shall be permitted to review the programming goals established by the station, the service provided by the station, and the significant policy decisions rendered by the station. The Board may also be delegated any other responsibilities, as determined by the governing body of the station. The board shall advise the governing body of the station with respect to whether

the programming and other policies of such station are meeting the specialized educational and informational needs of the communities served by the station, and may make such recommendations as it considers appropriate to meet such needs.

"(C) The role of the board shall be solely advisory in nature, except to the extent other responsibilities are delegated to the board by the governing body of the station. In no case shall the board have any authority to exercise any control over the daily management or operation of the station.

"(D) In the case of any public broadcasting station in existence on the effective date of this paragraph, such station shall comply with the requirements of this paragraph with respect to the establishment of a community advisory board not later than 180 days after such effective date.

"(10) Funds may not be distributed pursuant to this subsection to the Public Broadcasting Service or National Public Radio (or any successor organization) unless assurances are provided that no officer or employee of the Public Broadcasting Service or National Public Radio (or any successor organization), as the case may be, will be compensated at an annual rate of pay which exceeds the rate of pay in effect from time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code."

FINANCIAL MANAGEMENT AND RECORDS

SEC. 308. Section 396(1) (3) of the Communications Act of 1934 is amended to read as follows:

"(3) (A) The Corporation, in consultation with the General Accounting Office, the Financial Accounting Standards Board, and as appropriate with others, shall develop a uniform system of accounts which shall be used by all public broadcast licensees or permittees receiving funds under this subpart. Such system shall be designed to account fully for all funds received and expended for public broadcasting purposes by such licensees or permittees. Nothing contained in this paragraph shall prevent the Corporation from adopting different classes of accounting systems that may be appropriate to different classes of licensees or permittees.

"(B) Each noncommercial broadcast licensee or permittee receiving funds under this subpart shall be required—

"(i) to keep its books, records, and accounts in such form as may be required by the Corporation;

"(ii) to undergo an annual audit by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State, which audit shall be in accordance with auditing standards developed by the Corporation, in consultation with the General Accounting Office; and

"(iii) to furnish annually to the Corporation a copy of the audit report required pursuant to clause (ii), as well as such other information regarding financial operations that the Corporation may require.

"(C) Any recipient of assistance by grant or contract under this section, other than a fixed price contract awarded pursuant to competitive bidding procedures, shall keep such records as may be reasonably necessary to disclose fully the amount and the disposition by such recipient of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(D) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient of assistance that are re-

lated to assistance received under this section. The Comptroller General of the United States or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation."

EQUAL EMPLOYMENT OPPORTUNITY

SEC. 309. Section 398 of the Communications Act of 1934 is amended to read as follows:

"FEDERAL INTERFERENCE OR CONTROL PROHIBITED; EQUAL EMPLOYMENT OPPORTUNITY

"SEC. 398. (a) Nothing contained in this part shall be deemed (1) to amend any other provision of, or requirement under, this Act; or (2) except to the extent authorized in subsection (b), to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over public telecommunications, or over the Corporation or any of its grantees or contractors, or over the charter or bylaws of the Corporation, or over the curriculum, program of instruction, or personnel of any educational institution, school system, or public telecommunications entity.

"(b) (1) Equal opportunity in employment shall be afforded to all persons by all public telecommunications entities receiving funds pursuant to subpart C (hereinafter in this subsection referred to as 'recipients'), and no person shall be subjected to discrimination in employment (including discrimination in connection with appointments to governing or advisory bodies) by any such recipient on the grounds of race, color, religion, national origin, or sex.

"(2) The Secretary of Health, Education, and Welfare is authorized and directed to enforce this subsection and to prescribe such rules and regulations as may be necessary to carry out the Secretary's functions under this subsection.

"(3) (A) The Corporation shall incorporate into each grant agreement or contract with any recipient entered into on or after the effective date of the rules and regulations prescribed by the Secretary of Health, Education, and Welfare pursuant to paragraph (2), a statement indicating that, as a material part of the terms and conditions of the grant agreement or contract, the recipient will comply with the provisions of paragraph (1) and the rules and regulations prescribed pursuant to paragraph (2). Any public or noncommercial telecommunications entity which desires to receive funds under subpart C shall, before receiving any such funds, provide to the Corporation any information which the Corporation may require to satisfy itself that such entity is affording equal opportunity in employment in accordance with the requirements of this subsection.

"(B) If the Corporation is not satisfied that such entity is affording equal opportunity in employment in accordance with the requirements of this subsection, the Corporation shall notify the Secretary, and the Secretary shall review the matter and make a final determination regarding whether such entity is affording equal opportunity in employment. In any case in which the Secretary conducts a review under the preceding sentence, the Corporation shall make funds available to the entity involved pursuant to the grant application of such entity (if the Corporation would have approved such application but for the finding of the Corporation under this paragraph) pending a final determination of the Secretary upon completion of such review. The Corporation shall monitor the equal employment opportunity practices of each recipient throughout the duration of the grant or contract.

"(4) Based upon its responsibilities under paragraph (3), the Corporation shall provide an annual report for the preceding fiscal year

ending September 30 to the Secretary of Health, Education, and Welfare on or before the 31st day of December of each year. The report shall contain information in the form required by the Secretary in order to determine whether recipients are in compliance with paragraph (1). The Corporation shall submit a summary of such report to the President and the Congress as part of the report required in section 396(1). The Corporation shall provide other information in the form and with any analysis which the Secretary may require in order to carry out the Secretary's functions under this subsection.

"(5) Whenever the Secretary of Health, Education, and Welfare makes a final determination, pursuant to the rules and regulations which the Secretary shall prescribe, that a recipient is not in compliance with paragraph (1), the Secretary shall, within 10 days after such determination, notify the recipient in writing of such determination and request the recipient to secure compliance. Unless the recipient within 120 days after receipt of such written notice—

"(A) demonstrates to the Secretary that the violation has been corrected; or

"(B) enters into a compliance agreement approved by the Secretary;

the Secretary shall direct the Corporation to cease or suspend any further payments of funds under this part to the recipient and the Corporation shall comply with such directive. Resumption of payments shall take place only when the Secretary certifies to the Corporation that the recipient has entered into compliance agreement approved by the Secretary. A recipient whose funds have been reduced or suspended may apply at any time to the Secretary for such certification."

TITLE IV—GENERAL PROVISIONS DEFINITIONS

SEC. 401. Section 397 of the Communications Act of 1934 is amended to read as follows:

"DEFINITIONS

"SEC. 397. For the purposes of this part—

"(1) The term 'construction', as applied to public telecommunications facilities, means acquisition (including acquisition by lease), installation, and modernization of public telecommunications facilities and planning and preparatory steps incidental thereto.

"(2) The term 'Corporation' means the Corporation for Public Broadcasting authorized to be established in subpart C of this part.

"(3) The term 'interconnection system' means any system of interconnection facilities used for the distribution of programs (which may include the selection and scheduling of programs for such distribution) to public telecommunications entities.

"(4) The term 'meeting' means the deliberations of at least the number of members of a governing or advisory body, or any committee thereof, required to take action on behalf of such body or committee where such deliberations determine or result in the joint conduct of disposition of the governing or advisory body's business, or the committee's business, as the case may be, but only to the extent that such deliberations relate to public broadcasting.

"(5) The terms 'noncommercial educational broadcast station' and 'public broadcast station' mean a television or radio broadcast station which (A) under the rules and regulations of the Federal Communications Commission in effect on the date of the enactment of the Public Telecommunications Financing Act of 1978 is eligible to be licensed by the Commission as a noncommercial educational radio or television broadcast station and which is owned and operated by a public agency or nonprofit private foundation, corporation, or association; or (B) is owned and operated by a municipality

and which transmits only noncommercial programs for educational purposes.

"(6) The term 'noncommercial telecommunications entity' means any enterprise which (A) is owned and operated by a State, a political or special purpose subdivision of a State, a public agency or nonprofit private foundation, corporation or association; and (B) has been organized primarily for the purpose of distributing noncommercial educational or cultural audio or video programs by means of television or radio or other telecommunications technology, including, but not limited to, coaxial cable, optical fiber, broadcast translators, cassettes, discs, microwave, or laser transmission through the atmosphere.

"(7) The term 'nonprofit', as applied to any foundation, corporation, or association, means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(8) The term 'non-Federal financial support' means the total value of cash and the fair market value of property and services (including, to the extent provided in the second sentence of this paragraph, the personal services of volunteers) received—

"(A) as gifts, grants, bequests, donations, or other contributions for the construction or operation of noncommercial educational broadcast stations, or for the production, acquisition, distribution, or dissemination of educational television or radio programs, and related activities, from any source other than (i) the United States or any agency or establishment thereof; or (ii) any public broadcasting entity; or

"(B) as gifts, grants, donations, contributions, or payments from any State, or any educational institution, for the construction or operation of noncommercial educational broadcast stations or for the production, acquisition, distribution, or dissemination of educational television or radio programs, or payments in exchange for services or materials respecting the provisions of educational or instructional television or radio programs.

Such term includes the fair market value personal services of volunteers but only with respect to such services provided to public telecommunications entities and only, with respect to such an entity in a fiscal year, to the extent that the value of the services does not exceed 5 percent of the total non-Federal financial support of the entity in that fiscal year.

"(9) The term 'pre-operational expenses' means all nonconstruction costs incurred by new telecommunications entities before the date on which they begin providing service to the public, and all nonconstruction costs associated with expansion of existing entities before the date on which such expanded capacity is activated, except that such expenses shall not include any portion of the salaries of any personnel employed by an operating broadcasting station or other telecommunications entity.

"(10) The term 'public broadcasting entity' means the Corporation, any licensee or permittee of a public broadcast station, or any nonprofit institution engaged primarily in the production, acquisition, distribution, or dissemination of educational television or radio programs.

"(11) The term 'public telecommunications entity' means any enterprise which (A) is a public broadcasting station or a noncommercial telecommunications entity; (B) receives funds from the Corporation under section 396(k); and (C) distributes public television or radio program services to the public.

"(12) The term 'public telecommunication facilities' means apparatus necessary for production, interconnection, captioning, broadcast, or other distribution of programming, including, without limitation, studio equip-

ment, cameras, microphones, audio and video storage or reproduction equipment or both, signal processors and switchers, towers, antennas, transmitters, translators, microwave equipment, mobile equipment, satellite communications equipment, instructional television fixed service equipment, subsidiary communications authorization transmitting and receiving equipment, cable television equipment, video and audio cassettes and discs, optical fiber communications equipment, and other means of transmitting, emitting, storing, and receiving images and sounds, or intelligence, except that such term shall not include the buildings to house such apparatus, with the exception of small equipment shelters which are part of satellite earth stations, translators, microwave interconnection facilities, and similar facilities.

"(13) The term 'public telecommunications services' means noncommercial educational and cultural radio and television programs, and, in addition, other noncommercial instructional or informational material that may be transmitted by means of electronic communications.

"(14) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(15) The term 'system of public broadcast stations' means any two or more public television or radio stations acting cooperatively, on a for a formal or informal basis, either to produce, acquire, or distribute programs, or to undertake programming and related activities."

CANDIDATES FOR POLITICAL OFFICE

SEC. 402. Section 399 of the Communications Act of 1934 is amended to read as follows:

"CANDIDATES FOR POLITICAL OFFICE

"SEC. 399. No public telecommunications entity may support or oppose any candidate for political office."

EFFECTIVE DATES

SEC. 403. The provisions of this Act, and the amendments made by this Act, shall take effect on October 1, 1978, except that the amendments made by sections 102 and 201, and the provisions of section 396(k) (1) of the Communications Act of 1934 (as amended by section 307), shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. VAN DEERLIN) will be recognized for 20 minutes, and the gentleman from Louisiana (Mr. MOORE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today is an outgrowth of legislation that was proposed by President Carter last fall. The bill was reported unanimously by both the subcommittee and the full committee, and has the complete support of the administration. For this reason, Chairman STAGGERS and I requested that the bill be considered under suspension of the rules.

The major purpose of the Public Telecommunications Financing Act of 1978 is

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to continue and increase the funding for our Nation's public broadcasting system. In 1967, Congress made its first major commitment to fund public broadcasting. As a result, the system has grown dramatically, both in terms of the number of stations on the air and the non-Federal contributions to the stations. The need for increased Federal funding to insure continued growth has been clearly demonstrated.

I should note that there has been some concern expressed that there are provisions in this bill that would threaten the independence of the system. I would point out to these critics that public support carries with it public responsibilities. After lengthy study, the subcommittee decided that provisions relating to equal employment opportunity, financial accountability, and public participation were necessary since the system's record in these areas was far from adequate. The members of the full committee agreed with this assessment in voting the bill unanimously to the floor.

As a former broadcast journalist, I am most sensitive to any measures that might lead to Government interference in programing decisions and I can assure you that H.R. 12605 contains no such measures. But we should not confuse increased public participation with government interference. An open system of public broadcasting will be stronger and better able to withstand political pressure whether it comes from Congress, the White House, or the State house.

The legislation has six primary purposes:

First. Continue and increase (through the Corporation for Public Broadcasting) long-term Federal funding (5-year advance authorization, 2-year advance appropriation) for noncommercial public telecommunications;

Second. Encourage the growth and development of nonbroadcast telecommunications technologies for the delivery of noncommercial educational and cultural radio and television programs, and other related noncommercial informational and instructional services to the public;

Third. Assist (through the Commerce Department's new National Telecommunications and Information Administration) in the planning and construction of public telecommunications services to as many citizens of the United States as possible by the most efficient and economical means;

Fourth. Assist (through the Department of Health, Education, and Welfare) in demonstration projects designed to assess the effectiveness of various telecommunication technologies in the delivery of health, education, and social services;

Fifth. Provide greater accountability to the public by recipients of funds from the Corporation for Public Broadcasting (including open board meetings, open financial reports, and strengthened audit requirements);

Sixth. Increase the availability of public telecommunications services to minorities and women, as well as stimulate efforts to expand ownership and em-

ployment opportunities for women and minorities in public telecommunications.

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 12605 as does our colleague, Mr. FREY, the ranking minority member on the Communications Subcommittee. Although he is unable to be here today, he has asked to have noted his support of our subcommittee chairman, Mr. VAN DEERLIN's efforts on this legislation.

Despite comments to the contrary you may have heard, we do not believe this bill is an encroachment by the Federal Government on the first amendment freedoms of public broadcasters. With the acceptance of Federal funds there are always Federal requirements and guidelines to insure proper use of the taxpayers' funds. If public broadcasting does not want CPB to establish a uniform accounting system, does not want to conduct open board meetings, does not want to comply with EEO requirements and restrictions on the use of funds for lavish entertainment of public officials, then it should no longer seek Federal funds.

On the other hand, if public broadcasting and other forms of public telecommunications are to be all that they have promised this country, then Federal funding is necessary for at least the next 5 years. We would all hope that someday no Federal funding will be needed.

This bill extends the authorization of appropriations through 1983 with moderate increases each year to account for inflation. The authorizations are not extremely large amounts but taken together with a matching arrangement of two non-Federal dollars for each Federal dollar, they provide the necessary incentive to public broadcasting to perform as it was envisioned over a decade ago.

Mr. Speaker, I urge the suspension of the rules of the House and passage of H.R. 12605.

Mr. ROBINSON. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Virginia (Mr. ROBINSON).

(Mr. ROBINSON asked and was given permission to revise and extend his remarks.)

Mr. ROBINSON. Mr. Speaker, I rise to express my concern as to the consideration of this bill under suspension of the rules, and as to several of the substantive provisions of the bill.

This measure, H.R. 12605, would make major changes in the administration and financing of public broadcasting across the Nation. In the form in which it has come to the floor from the full committee, according to my understanding, it includes significant changes from the version approved by the subcommittee which developed it. These changes have produced questions from the affected programing organizations and individual stations. The bill should have been scheduled for consideration pursuant to a rule making it open to amendment.

Public broadcasting is an important and growing force in Virginia, Mr. Speaker, and I hope it may be permitted to grow under reasonable ground rules

which emphasize the freedom of individual stations to tailor their programing to the varied needs and desires of their service areas. I realize that this is one of the objectives of the bill under consideration, but it includes mechanisms which could hamper the effort and make administration more costly.

Virginia public broadcasters have been in touch with me to urge adoption of several amendments, including Dr. G. Tyler Miller, president of the board of directors of Shenandoah Valley Television Corp., operator of station WVPT, Harrisonburg, Va., for whose judgment I have the highest regard.

Dr. Miller expressed particular concern about provisions of this bill which, in his view, and as I read the bill, would link the level of programming financial support to subjective judgments within the Corporation for Public Broadcasting as to the programming performance characteristics of a station.

Additionally, the requirements as to the creation of community advisory boards appear to many station licensees to be unduly cumbersome and likely inhibit and delay programing and other operational decisions without giving promise of improving these decisions appreciably over the currently accepted practices in the matter of community input.

The fear is understandable, I think, that the mandated advisory boards could represent the beginning of governmental management of program content. Perhaps the fear could be allayed by modifying amendments, but there is no opportunity here, today, to offer appropriate changes.

It is important, Mr. Speaker, that we look ahead with public broadcasting and provide this major public service with well-considered changes in its charter of taxpayer support. It is not a matter, though, which should be dealt with by this House on a hurried take-it-or-leave-it basis.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Speaker, I thank the gentleman for yielding. I would ask the gentleman from Virginia (Mr. ROBINSON) if the gentleman is aware that the CPB, the PBS and National Public Radio all support the bill?

Mr. ROBINSON. Mr. Speaker, will the gentleman yield further?

Mr. MOORE. I yield further to the gentleman from Virginia (Mr. ROBINSON).

Mr. ROBINSON. Mr. Speaker, I have in my possession, may I say to the gentleman from California (Mr. VAN DEERLIN), a representation from the annual meeting of the Board of Directors of the Public Broadcasting Service in which these reservations are expressed, which I will make a part of the Record. It is for that reason that I take the floor at this particular time.

They also express, of course, a concern with regard to the fact that the Carnegie Commission's report, which is forthcoming, has not yet been reported, and my particular people express a willingness

to hold off on this additional authorization until such time as that report would be available.

Mr. VAN DEERLIN. If the gentleman would yield still further for one more moment, I acknowledge that there were these reservations when they met in Dallas but their final determination was that they would rather not ask for a vote against the public broadcasting bill. Rather, they recommended that this bill be taken up so that their interests might be represented in conference with the Senate at a later time.

Mr. ROBINSON. If the gentleman will yield still further, I acknowledge that that was the stand that the people took in Dallas. However, this was the request and the general impression that was given by the people that present public television in Virginia and in my district. For that reason I made the statement that I have made.

Again I thank the gentleman for yielding.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I yield to the distinguished ranking minority member of the full committee, the gentleman from Ohio (Mr. DEVINE).

(Mr. DEVINE asked and was given permission to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, again reiterating what the gentleman from Virginia (Mr. ROBINSON) has said, and not going into the merits of the legislation but merely upon the process under which the House is now considering the legislation, I would state that I understand that it is part of our procedure to permit the suspension of the rules under certain circumstances, normally when it is a noncontroversial matter and clearly one that will slide through without a lot of arguments or amendments.

It seems to me, Mr. Speaker, however, that anything as important and as widespread and having such an impact on the telecommunications media that we should bring this up under the regular rules and not under suspension of the rules, in order that a full debate may be had, so that the merits can be gone into and an opportunity to offer amendments to the legislation.

Therefore, Mr. Speaker, not necessarily on the merits of the legislation but because it is being brought up under suspension of the rules, I will vote against the legislation.

Mr. MOORE. Mr. Speaker, I would simply reply to the comments that have been made by my colleagues that I likewise share the concern of the two gentlemen who have just spoken over the fact that this bill comes up under a suspension of the rules. However, we are working under a time restraint that requires that we bring up the matter now, and it was not done by the subcommittee chairman, the gentleman from California (Mr. VAN DEERLIN), or myself in order to circumvent the offering of amendments because on that point we had thought we had taken care of those in the subcommittee and in the full committee and we

thought the bill was ready to be taken up on the floor. We did so because we believed that if we did not do it now that there might not be sufficient time for it to pass in the House and then go over to the other body and be passed there and then get to the President for his signature.

But I repeat, I also share the concern of the gentlemen over taking matters such as these up under suspension of the rules.

Mr. COLLINS of Texas. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Texas.

(Mr. COLLINS of Texas asked and was given permission to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, I would like to expand just a little bit on what the gentleman from Virginia (Mr. ROBINSON) and the gentleman from Ohio (Mr. DEVINE) have said, and that is that there are many of us in the House who are concerned about certain provisions in this legislation, one of the worst being that we are putting the Government in the position of advising the media on how to operate its business.

First, Congress is getting involved in business economics. The situation of this Government and especially Congress itself, as regards economics, has been one of utter failure. Back home today, if you ask people what is the biggest problem in our country, most of them will tell you it is inflation and it is mostly due to the way the Government manages our economy. The Government is the major cause of national inflation. Here we are putting Congress back in another economics situation. Think about the time when the Government got into business. That was in the post office, and we all know the post office is the poorest managed business operation in the country. So we should oppose the Government in any way getting involved, and stop telling these broadcast people how to run their business.

Another part that disturbs me is the fact that here we are controlling the media, and we all realize television and radio have a strong impact on the public. We know that in Russia the government does tell the media how to run their business. The government in Russia runs the media. This is the first time we have had an occasion where the Government is coming in and setting up guidelines, standards, or whatever one wants to call them, and Congress is actually getting into the broadcast business. It is a terrible mistake as a legislative policy. It is a precedent that is bad. What it is going to lead to is a negative backward movement for all creative public broadcasting.

I think we should all consider the bill carefully. It would be better to turn it down on suspension and let us work it over in the Committee of the Whole where we would have a complete bill subject to amendment.

Mr. MOORE. I would simply state that many of the things our subcommittee put into this bill were not an effort to tell CPB or PBS how to run their operations. It was to prevent or help them not to get

into problems, and to tell them how not to run their operations, involving very reasonable things that I think we owe the taxpayers of this country—such things as requiring an established uniform accounting system. One reason to this is we allow them credit for their volunteer time for the first time to gain matching Federal funds. There has got to be some way we can turn to the taxpayers and say we have a uniform system to guarantee one station does not get more credit than another and everybody is living by the same system.

Second, regarding the salaries of officers, I think the taxpayers of our country would like to see some control by the people in this House of where their money is going into salaries. This is something we have done for many agencies that have received funds from the Federal Government.

Third, we require them to hold open board and advisory committee meetings. I cannot understand how any station or system would oppose that. If we are going to use and spend taxpayers' money, the taxpayers have the right to see it being done.

The EEO requirements are going to be enforced by HEW. We say that has to be done in the bill and require the CPB to see to it that these things are carried out in their pregrant certification and monitoring activities. If they are going to use Federal funds, there must be no discrimination in hiring minorities, females, or in any other way. If they are going to use Federal funds, we think they should live by the same rules everybody else who uses Federal funds live by.

Lastly, we have actually withdrawn Government. We took away a ban on editorializing by Public Broadcasting stations, so actually we have withdrawn Government interference on how they actually operate over the air and have simply put some restrictions on that the taxpayers would like to see us put on as to how they use their funds.

Mr. Speaker, I do not think we have done anything to get greater Government involvement than is called for in the use of Federal funds. I am sorry we could not have brought this bill up to allow amendments to be offered, but I am not sure what amendments would be offered that we have not taken care of in committee anyway.

Mr. VAN DEERLIN. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. GORE).

Mr. GORE. Mr. Speaker, I thank the chairman. I will not take the full 5 minutes.

(Mr. GORE asked and was given permission to revise and extend his remarks.)

Mr. GORE. Mr. Speaker, I would like to ask the distinguished chairman of the subcommittee a couple of questions about the provision on matching funds for volunteer in-kind services. We added a provision saying that the Corporation for Public Broadcasting would conduct a study to determine the manner in which to include the value of the volunteer services while it was being implemented. Is it not correct, I will ask the chairman, that the purpose of this study is to deter-

mine the appropriate procedures for implementing this provision and that no further action is required by the committee or the Congress before this change in the law takes effect?

Mr. VAN DEERLIN. The gentleman is correct. In-kind contributions of volunteer time could be counted up to a maximum of 5 percent of the total non-Federal credit that the stations receive. This would begin on the day of the enactment of this legislation.

The purpose of the study, as the gentleman notes, which has been limited to 120 days, is to make certain that the procedures used and the credits that are given are uniform from station to station, and that we have a systematic arrangement for making these credits which will withstand the scrutiny of public attention.

Mr. GORE. I want the record we are making today to reflect the fact that there was a very strong majority on the committee that felt that those who cannot afford to make a large cash contribution to support their public stations or their notions of what public broadcasting should be in their community should, nevertheless, have an opportunity to show their support by working vigorously in behalf of their stations and that the Federal Government ought to place a value on their contribution as well and that it should be eligible for matching requirements up to the 5-percent ceiling, and that no further action is required on the part of the committee or the House before this change in the law is effected.

Mr. Speaker, this bill will provide increased, assured funding for the public broadcasting system for the next 5 years.

Public broadcasting has made invaluable contributions to our society by providing greater diversity in cultural, entertainment, educational, and public affairs programming than is provided by the commercial broadcasting industry. As a member of the Communications Subcommittee, I support this bill because it will strengthen the public broadcasting system by providing increased Federal financial support. At the same time, this bill continues to recognize the importance of insulating public broadcasting from political pressures.

As a representative from a largely rural area, much of which is not now served by public radio or television, I was especially interested in the provisions relating to the need to expand the coverage of public broadcasting. Public broadcasting should be available to all Americans. This bill directs the Corporation for Public Broadcasting to develop a long-range plan to insure that this goal is realized.

This bill also eases to some extent the problems caused by the need for local broadcast stations to raise funds in order to receive matching Federal grants. I have been discontented with the extent of on-the-air fundraising by public broadcast stations in recent years. I think it is unbecoming for public stations to have to conduct too many carnivals and auctions on the air when they should be providing more quality pro-

gramming. I think it is troublesome for public broadcasting to have to depend to the extent that it does on corporate underwriting for some of its best programs. I think it is disturbing for the public broadcasting system to have to turn to foreign-produced programs because it does not have the financial resources to support production of those programs here in our own country.

This bill increases the Federal financial support for public broadcasting and, by reducing the matching requirements from 2½-to-1 to 2-to-1, alleviates some of the fundraising problems for local licensees. This bill also contains a provision, which I introduced during the subcommittee's markup, to allow individual stations a credit for the value of volunteer services donated to the station.

Volunteers play a vital role in public broadcasting, and this provision will recognize their role. It will encourage greater public participation at the local level. And it will enable middle- and low-income viewers to contribute their time and energy to public broadcasting stations, knowing that their contribution will benefit the stations very directly by counting as part of their matching requirement.

I would like to conclude, Mr. Speaker, by expressing my thanks to the gentleman and the other members of the subcommittee for the work they have done and the work of the staff. I think we have turned out a quality bill that will improve public broadcasting in this committee. I am proud to have served on the gentleman's subcommittee while we put it together.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I am troubled by the shift from using just three essentially objective criteria for the distribution of community service grants, to the addition of five potentially subjective criteria.

I think everyone would agree that each new criterion is a worthwhile goal, but it is the broader implications and their functional effects that concern me.

Was it the intent of the committee to establish a discretionary system which would give the Corporation for Public Broadcasting increased functional control over the individual station's operations and policies?

Mr. VAN DEERLIN. Well, surely not. The criteria that are in the present law for these grants have primarily encouraged fundraising by the stations. The only real incentives that are provided under the present law relate to the size of the community served and the amount of non-Federal income that is raised. As a result, the rich get richer and the poor get poorer.

In adopting the amendment to which the gentleman refers, which was offered by the gentleman from Colorado (Mr. WIRTH), the subcommittee expressed its view that the Corporation should provide incentive grants for non-fund-raising

activities; such as encouraging cost efficiency, minority training, and community responsiveness.

Mr. PERKINS. Mr. Speaker, I understand that the committee report emphasizes that significant coverage of public affairs should qualify the station for additional CSG funds. This appears to be a program-related matter. Is it the intent of the committee to require and authorize such involvement in programming?

Mr. VAN DEERLIN. The committee report, I will say to the gentleman from Kentucky (Mr. PERKINS), makes clear that the Corporation is to quantify each new criterion, so there is no interference in programming decisions of the stations. Should such interference occur, we stand ready to clarify that intent even further; but it is our view that this should not prevent Congress from providing some direction as to the purposes of the Federal funding.

Mr. PERKINS. Mr. Speaker, another criterion "encourages innovative approaches both technical and programming, * * * to reach new audiences."

How can this be applied without a station involving itself in deciding on the suitability of program categories or the determination of what is or is not innovative programming?

Mr. VAN DEERLIN. Mr. Speaker, the criterion to which the gentleman refers in his question involves mainly technical steps to reach larger audiences. By that I mean that we should utilize new technologies. In districts like that of the gentleman's, for example, a translator may have to be built in order to reach a distant part of the region. This might be the means by which we get to that audience. It would have nothing to do with the nature of the program or with the translator. Our only emphasis is on trying to expand the technology.

Mr. PERKINS. Mr. Speaker, I have one more question.

Has the delicate balance between insulated Federal funding and Government control through the power of the purse been altered to the detriment of local autonomy?

Mr. VAN DEERLIN. No, because the CPB is not the Federal Government.

The whole emphasis in this legislation is to encourage and to foster local autonomy, as, for example, with the establishment of community advisory boards, under an amendment offered by the gentleman from Maryland (Ms. MIKULSKI), which would provide for the involvement of local communities.

Mr. PERKINS. What safeguard is there to prevent the CPB from using these criteria to coerce uniformity by rewarding those who parrot the CPB's policy and function to set up a centrally controlled public network?

Mr. VAN DEERLIN. Mr. Speaker, I will respond to the gentleman's question by saying the best safeguard I know of is that which I find in himself, in me, and in 533 other Members of Congress.

Mr. PERKINS. Mr. Speaker, let me thank the gentleman for his explanations.

Mr. VAN DEERLIN. Mr. Speaker, I yield 5 minutes to the gentleman from

California (Mr. WAXMAN), a member of the committee.

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Speaker, I am pleased to join my subcommittee chairman, Mr. VAN DEERLIN, in supporting the Public Telecommunications Financing Act of 1978. Although it is by no means a comprehensive restructuring of public broadcasting, this legislation represents over 2 years' study of the system, and is designed to address its most pressing and obvious deficiencies.

We tried to accomplish what was possible. We were aided by the fact that, for the first time in 10 years, a relatively complete understanding of how public broadcasting was working coincided with a major policy initiative from the administration and increased public awareness by virtue of public television's growing audience and the interest of the Carnegie Commission.

This is a progressive bill, which greatly strengthens public broadcasting.

We have doubled the Federal commitment of funds to public broadcasting.

The system's administrative and bureaucratic overhead, which has strangled the creative process, and eaten up scarce programming funds, has been limited in this bill.

We have placed the highest priority on the development of programming at the national level by providing fully \$50 million per year for programming by 1983.

Independent producers who have experienced such frustration in obtaining access to the system are at last recognized for their significant contributions to public broadcasting, and accorded a substantial amount of the programming funds.

The ability of political influences to intrude on programming judgments has been narrowed, by requiring CPB to form independent peer review panels to evaluate all programming proposals.

Public radio is finally recognized as an important medium in its own right, and granted substantial funding increases to extend the reach of its signals and improve its programming operations.

The muzzling of public broadcasters—the prohibition in current law which prevents them from editorializing—has been partially lifted, enabling them to speak out on matters of concern to their communities.

The meetings and books of the stations are required to be open to the public, making the stations more responsive to the needs of their audiences, and more careful with their expenditure of public funds.

What we have endorsed is an interim measure, designed to see the system through the next 5 years while the subcommittee and the next Congress act on the chairman's sweeping revision of the Communications Act of 1934.

The most important feature of this bill is that it continues the concept of advanced funding, with authorizations extended through 1983. Maintenance of such a policy is essential if public broadcasting is to be insulated from the political demands of returning annually to

the Congress for more money with each visit carrying with it the opportunity for intrusion on programming judgments.

Held in abeyance, to be considered with the rewrite, are the report and recommendations of the Carnegie Commission; the design and operation of a truly insulated and generous funding system for programming; and the management structure of the system.

Although there are fundamental concerns, we took several steps to meet the most pressing problems:

First, the underfunding of the system. Public broadcasting cannot hope to consistently produce programs of excellence when its total revenues are only half of what each network spends alone each season for programming. The shortage of money is critical, and we have doubled, by 1983, the amount of Federal funds committed to the system. We have, moreover, made it easier for the stations to raise money, by lowering the matching fund requirement from 2.5 to 1 to 2 to 1. Therefore, not only will there be more Federal dollars, but they will be within easier reach of the stations.

Second, the funding of the programs themselves. CPB has no rational system for deciding programming grants. PBS is prohibited from program production. The stations are more intent on doing in-house production than accepting the most exciting product offered by independent producers. We have taken several steps to ease this confusion. CPB is directed to spend a significant portion, at least 25 percent, of its budget on programming. A substantial amount of that money, at least 50 percent, is to go to independent producers. We have made clear to everyone in public broadcasting, including the stations, our concern that the system's mandate for excellence, diversity, and innovation in programming not be unnecessarily impaired by weak or inefficient management and we expect the system to respond accordingly.

Third, insulation of programming from political pressure. The CPB Board, which is composed of political appointees, is directly involved in programming decisions even though its job is to prevent politics from intruding into this area. Accordingly, we have required CPB to remove its Board from the programming business by forming peer review panels which will evaluate funding proposals. This will substantially reduce the potential for abuse which currently exists.

Fourth, the system's bureaucracy. It is growing at a frightening rate, and eating up increasing amounts of scarce programming funds. We have placed a 5-percent cap on administrative expenses, thereby guaranteeing that more money will be available for other purposes.

Fifth, the commitment of the stations to be responsive to their communities. Public broadcasting is for and by the public which is seeking the highest degree of performance from their stations. It is a trend that should be welcomed, for the more viewers and listeners feel a part of their stations, the greater their support—in dollars and audience size. We received extensive testimony that too often the stations are closed to the public. We have, therefore, required open meet-

ings of the stations' boards of directors and committees, and the formation of advisory committees, broadly representative of the community, who are to give informal guidance to the stations. These two provisions will guarantee public involvement and station accountability, and will strengthen the stations' ties to their communities.

Sixth, the stations' first amendment rights. Even though broadcasters do not enjoy the same extent of first amendment freedoms as the print media, public broadcasters are even more limited than commercial licenses as they are prohibited from editorializing. This has prevented them from speaking out on issues of pressing concern to their viewers and listeners—to the detriment, I feel, of an informed public. To partially remedy this inequitable situation, we have repealed the ban on editorializing except on the matter of endorsing candidates for public office. I wanted to completely eliminate any restrictions whatsoever, but the formula we adopted commanded the support of the committee. Should this provision be retained by the conferees, I am certain the experience over the next 5 years will warrant the grant, by the Congress, of complete editorial freedom for these stations.

Seventh, public radio. After 10 years, it remains the stepchild of public broadcasting, even though it is the most versatile, exciting, and local medium we have. Forty percent of the American people are still beyond the reach of its signals, compared to 20 percent for public television, and only 2 percent for commercial broadcasting. Public radio cannot hope to prosper if its audience cannot hear it.

We have, therefore, tripled the amount of money—up to \$10 million per year—available to build new radio stations and expand existing ones. And we have doubled the amount of money CPB is to give the stations to support their operations.

Eighth, the stations' management. The GAO has found in many instances a distressing inability to fully account for the expenditure of public funds. This is intolerable. Not only should scarce resources be spent efficiently, but the public has a right to know whether or not this is being done. This is a problem which has persisted for years and is apparently growing. To end it, we have required CPB to develop a uniform system of accounts, to which the stations must adhere. Further, the stations are to be audited every year, with the audits made public.

These are merely prudent business practices which will insure the discovery and correction of waste, mismanagement, and inefficiency.

Mr. Speaker, all these provisions guarantee that public broadcasting will be more visible and audible, more open, more rational, and more accountable. Most importantly, this legislation reiterates that the system's highest priority is programming and it provides the money and guidance necessary to insure that this commitment will be met.

I wish to extend my congratulations and thanks to the chairman for his leadership on this legislation. His commit-

ment to the strongest possible system of public broadcasting in this country is unquestioned, and these proposals reflect his dedication. The President, in his message to the Congress last fall, also gave the strongest encouragement to the subcommittee. Our work combined the best of the proposals before us. All can be satisfied with what we have done.

Mr. Speaker, I would like to take this opportunity to engage the chairman of the subcommittee in a colloquy regarding the intent of his amendment adopted in the subcommittee to section 396(k) of the Communications Act.

Mr. Speaker, the chairman's amendment required that, of the funds appropriated for CPB, a significant portion must be used for programing, and a substantial portion of those funds are to be reserved for distribution to independent producers and production entities for the production of programs.

Mr. VAN DEERLIN. If the gentleman will yield, the gentleman is correct.

Mr. WAXMAN. Mr. Speaker, I supported the amendment in subcommittee, and I wanted to clarify one aspect of it on which the legislative history is silent.

In adopting this amendment, the subcommittee was being sensitive to the criticisms that the system has not been fully responsive to the independents' need for access.

In subcommittee discussion of this amendment, it was asked what was meant by the requirement that "a substantial amount" of CPB's programing funds be reserved for independents.

It was agreed that the subcommittee intended that this requirement be interpreted by the Corporation for Public Broadcasting as meaning at least 50 percent of such funds be so reserved.

Mr. VAN DEERLIN. If the gentleman will yield further, I will respond very quickly to that.

The purpose of the amendment was to insure that the Corporation expends a major portion of its programing funds on assisting productions by independent producers.

I would agree with the gentleman that 50 percent seems a good figure to aim at, and the legislative history should reflect that intent.

Mr. WAXMAN. I thank the chairman.

Mr. VAN DEERLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PICKLE).

(Mr. PICKLE asked and was given permission to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I would like to follow through with an added colloquy with the chairman of the subcommittee, along the same line as discussed by the gentleman from Kentucky (Mr. PERKINS).

The people who operate the public broadcasting system in my district, KLRN, are disturbed about some of the eligibility requirements. They are asking for information more than they are stating their objections. When we get into such categories as encouraging innovative approaches, both technical and programing, to reaching new audiences, does that mean that funds could or could not be withheld based

upon whether they have these "innovative" approaches?

Mr. VAN DEERLIN. If the gentleman will yield, the Corporation for Public Broadcasting is the arm that hands out the money. This is the buffer between the Government and the stations. And, of course, they will use some judgment.

Mr. PICKLE. Who makes the determination whether the station is making the innovative approach?

Mr. VAN DEERLIN. It will be the proper determination of the 15 members of the Corporation for Public Broadcasting.

Mr. PICKLE. I would hope that as this bill moves forward and as it goes to conference, we might have further discussions or interpretation to have a better understanding of these requirements; that is, exactly what is meant.

The station in my district is not complaining, but there is deep concern that if there is too rigid an interpretation, that station, which I believe is considered to be one of the better Public Broadcast stations in the country, would like to be heard. They have genuine concern. I am going to insert in the record some of the objections or fears that my people have expressed, and I hope the chairman will be able to respond to these questions and that when we go to conference I hope we will be able to reach a clearer understanding of these apprehensions.

I had a meeting with representatives of my local broadcasting station in central Texas. They have several concerns. First, as mentioned earlier "innovative approaches to new programing."

Their second concern is that Federal programing funds could be cut off at any time during a program season based upon the failure of a licensee to satisfy governmental requirements of ethnic balance in work force or boards. I have a letter from a person who served on the nominating committee of the Public Broadcasting System board this year who says:

I am proud to say we increased the number of women and minorities on the PBS board by substantial percentages. Although it will be obvious that in the case of elected members of an organization such as the Congress or the PBS Board it is difficult to arrive at complete balance. I believe, however, that we can be there in a few years. The program service should not be jeopardized by arbitrary actions on issues which are so complex and difficult.

Obviously that station is concerned as to the criteria that would be used, not that it should not be a factor, but to what degree it would be required. Here again, Mr. Speaker, great progress is being made and the stations have accepted the challenge, but I would hope there would be a better understanding of the board as to how to carry it out.

Without a clear understanding of the criteria that would be used there is a great deal of apprehension about the new bill. I know that my station is doing a good job and would not like to feel that an arbitrary rule would cause it not to receive funds when they have overall an excellent record.

Mr. VAN DEERLIN. I thank the gentleman.

Mr. Speaker, I yield 1 minute to the

gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, this is a very important bill and a very large bill and very controversial in some parts. I just want to know why it was put on the Suspension Calendar.

Mr. VAN DEERLIN. If the gentleman will yield, in my opening remarks I explained that the fact that the bill was reported unanimously out of both the subcommittee and the committee suggested to us that it was not all that controversial. I think perhaps we will find that as of this week it is not as controversial as it was a week ago.

Mr. GLICKMAN. I thank the gentleman.

Mr. VAN DEERLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. KREBS).

Mr. KREBS. Mr. Speaker, I want to commend the chairman on the work which his subcommittee has done on this bill. However, I do have a question.

I notice the ban on editorializing has been lifted. Left in the bill, however, is a ban on the endorsement of candidates.

My question is, Does this ban also include a prohibition on endorsements of propositions, such as the proposition which we have had in our State of California?

The SPEAKER pro tempore. The time of the gentleman from California (Mr. VAN DEERLIN) has expired.

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I rise in support of H.R. 12605, the Public Telecommunications Financing Act of 1978, even though I am opposed to section 307 which amends section 396(K) (6) (B), to include eligibility criteria which the Corporation for Public Broadcasting is instructed to consider when distributing its funds to the public broadcasting licensees.

I feel that these eight criteria would permit undue interference by CPB into the programing functions and decision-making processes of the individual licensees.

CPB was set up to act as a buffer between the Federal Government and the licensees. These new criteria would open the door to Federal involvement in programing decisions. Though I feel the intent behind these criteria is laudable this particular approach I feel could result in Federal interference in programing and we must devise alternative means to achieve these ends.

I hope that as this legislation proceeds through the legislative process that section 307 can be deleted. ●

Mr. MOORE. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. VAN DEERLIN) that the House suspend the rules and pass the bill H.R. 12605, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Public Telecommunications Financing Act of 1978.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SUBSTITUTE TREASURY CHECKS

Mr. MITCHELL of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13087) to authorize the issuance of substitute Treasury checks without undertakings of indemnity, except as the Secretary of the Treasury may require.

The Clerk read as follows:

H.R. 13087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 3646 of the Revised Statutes of the United States, as amended (48 U.S.C. 528(a)), is further amended by striking out "upon receipt and approval by the Secretary of the Treasury of an undertaking to indemnify the United States, in such form and amount and with such surety, sureties or security, if any, as the Secretary of the Treasury may require;"

Sec. 2. Subsection (b) of section 3646 of the Revised Statutes of the United States, as amended (31 U.S.C. 528 (b)), is further amended to read as follows:

"(b) The Secretary of the Treasury, may, before issuance of a substitute check, require from the owner or holder of the check an undertaking to indemnify the United States, in the form and amount and with the surety or security the Secretary believes necessary."

The SPEAKER pro tempore. Is a second demanded?

Mr. HANSEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. MITCHELL) will be recognized for 20 minutes, and the gentleman from Idaho (Mr. HANSEN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MITCHELL of Maryland asked and was given permission to revise and extend his remarks.)

Mr. MITCHELL of Maryland. Mr. Speaker, this legislation was introduced by the distinguished chairman of the Banking Committee, Mr. REUSS, last October. The legislation would authorize the Treasury to issue substitute checks which are lost, stolen, destroyed, mutilated, or defaced without the undertaking of indemnity by the payee, except as the Secretary of the Treasury may require. My subcommittee held a hearing on the legislation on June 6. The full Banking Committee favorably reported it on June 20 by a vote of 30 ayes and no nays. The administration supports it.

Under current law, for amounts exceeding \$200, before the substitute check can be issued payees must undertake indemnity, that is, they must promise to repay the Treasury if both the original and substitute checks are lawfully cashed. According to the testimony we heard in subcommittee from Treasury witnesses, the current statutory requirement "unnecessarily delays for weeks, or even months, the settlement of proper claims from the public for relatively small amounts of money." The hardship that this works on many claimants, who have an urgent and pressing need of the money due them, is cruel as well as unnecessary. H.R. 13087 provides an appropriate remedy.

Treasury estimates that, if the legislation is passed, about 12,000 claimants each year would be relieved of having to undertake indemnity before their claims can be settled and that the average time it now takes to deliver their substitute checks would be cut in half. And that they and Treasury also would be relieved of unnecessary paperwork. Treasury estimates that it will save about \$20,000 per year in costs related to preparing and handling the undertakings. Finally, because the Secretary will retain discretionary authority to require undertakings of indemnity, the legislation will not endanger the Government's financial interests. Treasury plans to safeguard against possible losses by focusing on high risk, large checks on a case-by-case basis in requiring undertakings of indemnity.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, the bill before us is a simple and straightforward matter. One of the effects of inflation has been to push up the nominal amounts of recurring payments made by the Treasury under the social security, railroad retirement, and other Government programs. Under present law, if a Treasury check is lost, the payee must indemnify the Government before a substitute can be issued. There are some exceptions in the law, notably if the check is for less than \$200. For some years, Treasury and the Social Security Administration have been making progress in reducing greatly the delay and consequent hardship on recipients when a check for less than \$200 is stolen or lost. But as benefits are scaled up to adjust for inflation, more and more people run into the statutory requirement that they indemnify the Government before a substitute check for more than \$200 can be issued.

The indemnification is merely a certification by the recipient that he will make restitution to the Government if he finds the original and cashes it as well as the substitute check. It came out in testimony that this adds nothing to the Government's rights or remedies to secure a refund if both checks are cashed—which is, by the way, a rare event. We also received persuasive testimony that this ritual of securing redundant indemnification adds an average of 3 weeks' delay to the time it takes to is-

sue a substitute check if the amount is greater than \$200.

This bill would simply make the requirement of indemnification discretionary with the Secretary of the Treasury, and so it could be waived for these relatively small, recurring benefit payments. The Government will save some clerical and postage expenses, it will lose no legal rights, and many hardships for benefit recipients will be reduced. This is a small matter on the scale of Federal Government affairs, but for many individuals, the 3 weeks we save them will mean an awful lot on the more humane scale of private affairs. I am delighted to be a cosponsor of this measure, I congratulate the chairman of the Subcommittee on Domestic Monetary Policy for holding hearings and moving the bill along, and I join in urging our colleagues to vote with me to suspend the rules and pass H.R. 13087, so that it may become law as expeditiously as possible.

Mr. MITCHELL of Maryland. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. MITCHELL) that the House suspend the rules and pass the bill, H.R. 13087.

The question was taken.

Mr. RUSSO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MITCHELL of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 13087.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

TRANSPORTATION SAFETY BOARD
AUTHORIZATIONS

Mr. ANDERSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12106) to amend the Independent Safety Board Act of 1974 to authorize additional appropriations, as amended.

The Clerk read as follows:

H.R. 12106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309 of the Independent Safety Board Act of 1974 (49 U.S.C. 1907) is amended by adding at the end thereof the following new sentence: "There are authorized to be appropriated for the purpose of this Act not to exceed \$16,420,000 for the fiscal year ending September 30, 1979."

The SPEAKER pro tempore. Is a second demanded?

Mr. SHUSTER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. ANDERSON) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. SHUSTER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ANDERSON of California asked and was given permission to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, the bill, as amended, merely provides a 1-year authorization in the amount of \$16,420,000 for the National Transportation Safety Board. The National Transportation Safety Board, created by the Department of Transportation Act of 1966, was established as an independent Federal agency by the Independent Safety Board Act of 1974. That act broadened the responsibilities of the Board in the investigation and prevention of transportation accidents.

Among the responsibilities assigned to the Board are first, investigating certain aviation, highway, railroad, pipeline, and marine accidents; reporting on the facts, conditions, and circumstances and the probable causes of such accidents; making recommendations to Federal, State, and local transportation safety agencies, and initiating and conducting special transportation safety studies and investigations.

I know of no controversy surrounding this measure. The Subcommittees on Aviation, and Surface Transportation held hearings in April. Chairman STAGGERS of the Interstate and Foreign Commerce Committee, to whom the bill was jointly referred, has written us a letter concurring in the Public Works and Transportation Committee's action.

I urge adoption of this measure.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SHUSTER asked and was given permission to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, the measure before us today, authorizing fiscal year 1979 appropriations for the National Transportation Safety Board, reflects a serious concern and a certain amount of justified skepticism on the part of the Public Works Committee over the willingness and ability of the Safety Board to follow congressional mandates.

The 1-year authorization of \$16.4 million contains an additional million dollars to pay for a beefed-up highway safety program, which this Congress directed the board to do 2 years ago.

Our committee rejected the Board's request for a 2-year extension when we learned that the board totally ignored the directives of our committee and the Congress in two different areas.

First, as alluded to previously, 2 years ago, our committee was concerned about the Board's capabilities in the highway safety area, which has suffered under a poor cousin syndrome at the Board which, as an outgrowth of the CAB, is highly aviation oriented. Despite the

fact that nearly 50,000 people lose their lives on our highways every year while less than 2,000 are killed in all types of aviation accidents, the Board was dedicating 44 percent of its staff and budget to aviation and only 5 percent to highways.

Accordingly, the committee recommended and the Congress agreed to increase the Board's authorization by \$700,000 for each of fiscal years 1977 and 1978 and directed that these funds be used to hire an additional 21 persons to investigate and evaluate highway accidents.

This was not done. Not only were the 21 additional personnel never hired, but the Board never even requested the additional \$700,000 from the Appropriations Committee.

Our committee learned in hearings that this was a deliberate decision by the former Board Chairman to ignore the congressional mandate, clearly stated in committee and in a colloquy on the floor.

This is an affront to the Congress which cannot and will not be tolerated.

The second area in which the guidance of the Congress was ignored dealt with the Board's oversight responsibilities. During hearings in 1976, our committee was told that pursuant to the Board's statutory mandate to assess the safety consciousness and effectiveness of other Federal agencies in preventing accidents, the programs of the National Highway Traffic Safety Administration (NHTSA) were right at the top of the Board's list for an overall evaluation. This was again clearly understood by the committee, and once again, totally ignored by the Board.

Mr. Speaker, our criticism of the National Transportation Safety Board is not intended to reflect on the Board's new Chairman, James D. King, who has been in the job for only a few months. Moreover, the committee was favorably impressed with Chairman King's desire to be guided by congressional directives and his prompt attention to our request for an outline of what he intends to do to comply with the 2-year-old mandate.

Nevertheless, we were in precisely the same situation 2 years ago when the previous chairman was new to the job—and we were burned.

We shall not be burned again.

Therefore, this measure extends the authority of the Board for only 1 year, during which the Board's activities, particularly in the highway safety and oversight areas, will be carefully reviewed by our committee.

In addition, the Board has indicated that the funding will be sufficient to permit the Board to evaluate the effectiveness of activities and programs at NHTSA in accordance with its statutory mandate.

The limitation of this authorization to 1 year, Mr. Speaker, will provide an early occasion for further review of the Board's success in responding to more explicit guidance from the Congress.

I urge adoption of this measure.

• Mr. SNYDER. Mr. Speaker, as ranking minority member of the Aviation Subcommittee, I have nothing much to add

to the remarks of the gentleman from California (Mr. ANDERSON) on the pending bill. As he stated, it simply authorizes \$16,420,000 for the National Transportation Safety Board (NTSB) for fiscal year 1979.

NTSB was established by the Congress to bring about a greater measure of transportation safety for the benefit of our people. We have reason to believe that progress is being made—but it also is evident that much remains to be accomplished in this vital area.

Mr. Speaker, of all the various transportation modes, aviation seems to be enjoying far and away the best safety record—by whatever yardstick we choose. This is the direct result of intensive efforts over the years by the Federal Government, the air transportation industry, and various aviation organizations. Safety has been recognized from the start as the key component in air travel. It is a simple fact that aviation safety has been accorded the highest priority—and the results speak for themselves.

It is essential, in my view, that safety be assigned the same high priority in the other modes of transportation, as in aviation. We have made a beginning at the Federal level—and the programs underway and envisioned by the various agencies with surface and marine transportation safety responsibilities will bring results in due course, I am sure. Our colleague from Pennsylvania (Mr. SHUSTER) has spoken to the need for accelerated efforts along this line—and I fully share his views as to the urgency involved and the need for effective remedial action.

NTSB surely will play an increasingly significant role in the surface and marine transportation areas during the years to come. Congress has mandated that the board do so—and I trust that NTSB Chairman James B. King and his colleagues will move with dispatch to comply with the intent of the Congress in this regard.

I urge my colleagues to support the pending bill.

Thank you, Mr. Speaker. •

• Mr. JOHNSON of California. Mr. Speaker, H.R. 12106 is a bill which authorizes \$16,420,000 for fiscal year 1979 for the National Transportation Safety Board.

The purpose of the authorization is to fund the operations of the Board for 1 year. Principally, the Board's operations are involved in the area of transportation safety. More specifically, its responsibilities pertain to, but are not limited to, investigation of accidents in the aviation and surface transportation modes. After completion of those investigations, the Board makes appropriate recommendations to the various Federal and State agencies and to transportation related agencies or groups.

Throughout its history the Board has emphasized its role in the aviation industry. In recent years more focus has been aimed at its responsibilities in the area of surface transportation.

After completing hearings on H.R. 12606, the Committee concluded that more emphasis should be placed on its activities in the field of surface transpor-